


MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director
Planning & Code Administration 

DATE: December 29, 2006

SUBJECT: Z-303(o), Rezoning request from C-2 to E-1 Zone
Old Game Preserve Road
Applicant: Travis Avenue Self Storage LLC

On September 18, 2006, the Mayor and City Council and the Planning Commission held a Joint Public Hearing on the referenced application. Both the Mayor and City Council and the Planning Commission records were held open indefinitely in order to address architectural elevations and issues associated with Old Game Preserve Road improvements.

Since the public hearing, staff has been working with the applicant, Montgomery County and PEPCO to address the concerns and enhance the architecture. Staff believes the application has been revised to address the concerns and is recommending the Planning Commission announce the closing of their record on Z-303(o) during the January 3, 2007 regular meeting and that the record be closed on January 10, 2007 at 5 PM with anticipated discussion and recommendation on January 17, 2007.

Attachments

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MEMORANDUM

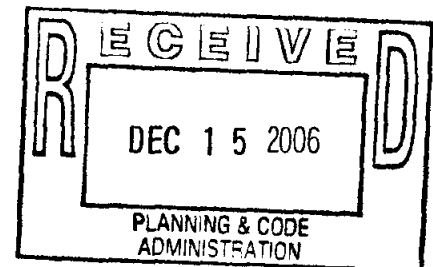
**TO: GREG OSSONT
ROB ROBINSON**

**CC: JIM ARNOULT
OLLIE MUMPOWER
IVAN HUMBERSON
CATHY BORTEN, ESQUIRE
TREY BURKE
DIANE TIPTON
MIKE PLITT
SAM BUTZ
MIKE WORKOSKY**

FROM: JODY KLINE

DATE: DECEMBER 14, 2006

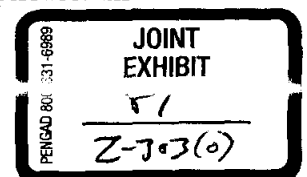
RE: OLD GAME PRESERVE ROAD



Dear Greg and Rob:

Representatives of the Applicant for Zoning Application No. Z-303(o) have had numerous conversations with staff of the City, Maryland-National Capital Park and Planning Commission and the Office of the Montgomery County Fire Marshal. These conversations culminated recently in telephone calls with Jim Arnoult and Ollie Mumpower of the City's Department of Public Works regarding issues relating to Old Game Preserve Road. Based on our team's research and investigation, we believe the following information to be correct which would create a foundation for formulation of a condition that would be applicable at the time of site plan review in the event that the pending rezoning case is approved by the City. Our "statement of facts" include the following:

1. The City Fire Marshal and the Office of the County Fire Marshal are comfortable that if there is 20 feet of pavement for Old Game Preserve Road from the proposed development across and through the PEPCO right-of-way toward Travis Avenue, the applicable fire codes could be satisfied.



2. The Department of Public Works feels that the current width of Old Game Preserve Road through the PEPCO ROW area is probably adequate to accommodate traffic on this roadway, but would be pleased to see 20 feet of pavement and a right-of-way width that would include the existing sidewalk and the 20 feet of paved road (and one foot beyond the outer edges of both of these improvements).
3. PEPCO has indicated to representatives of the Applicant that it wishes to eliminate the current prescriptive right-of-way over its property by divesting itself of title to the land under the right-of-way. PEPCO wants to convey away the property within Game Preserve Road, presumably to be deeded or dedicated to the City of Gaithersburg. The Department of Public Works, since it currently maintains Old Game Preserve Road, is generally agreeable to accepting title to the PEPCO right-of-way, subject to the City "fathers" concurring in this action. Jim Arnoult indicates that the City would likely acquire formal ownership in the property via a plat of dedication but the actual vehicle for conveyance will be determined after conversations with Cathy Borten, Esquire.
4. Jim Arnoult indicates that the right-of-way to be acquired by the City should extend from one foot west of the existing sidewalk (on the west side of Old Game Preserve Road) to one foot beyond the 20 feet of paving that would be accomplished after the Applicant's acquisition of land from PEPCO.

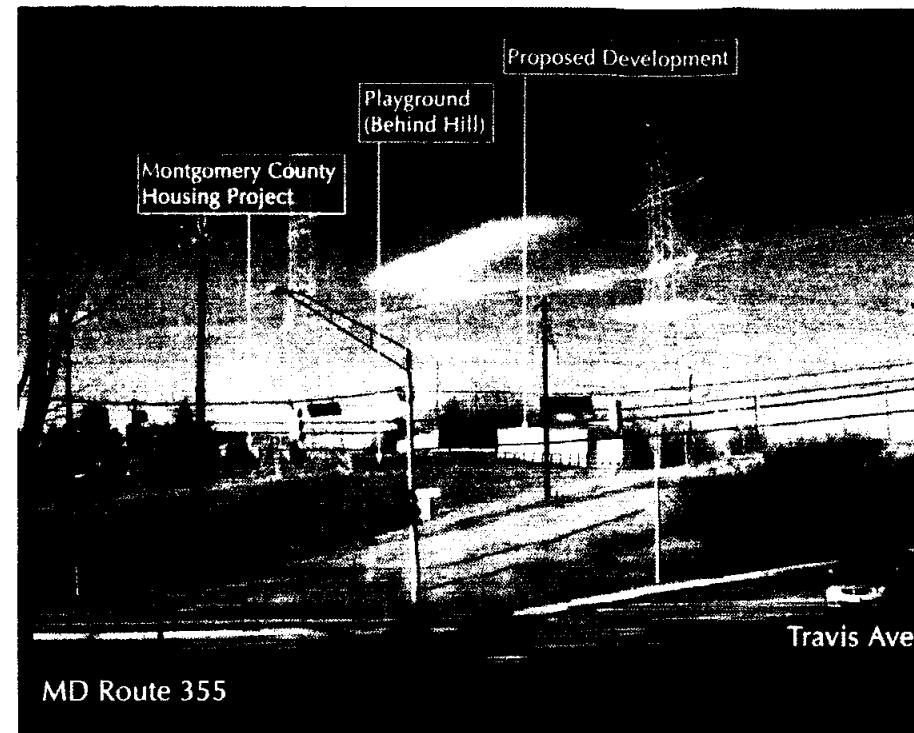
Having now reached a tentative agreement with PEPCO, and having received definitive comments from all interested parties (City DPW, City and County Fire Marshals and M-NCPPC), we believe that it is now clear how Old Game Preserve Road should be improved to accommodate traffic, the right-of-way necessary to accomplish that goal and the technique by which the right-of-way becomes completely under the City's control and jurisdiction. This solution would answer the City Council's concerns about the adequacy and admittedly unclear status of Old Game Preserve Road.

I understand that you have been talking to the Applicant's representatives about the design of its proposed facility. Once those discussions have been completed, we believe that the Application is ready for representation to the City Council with the understanding that at time of final site plan review, the Applicant will accept a condition that it is obligated to implement the program described above.

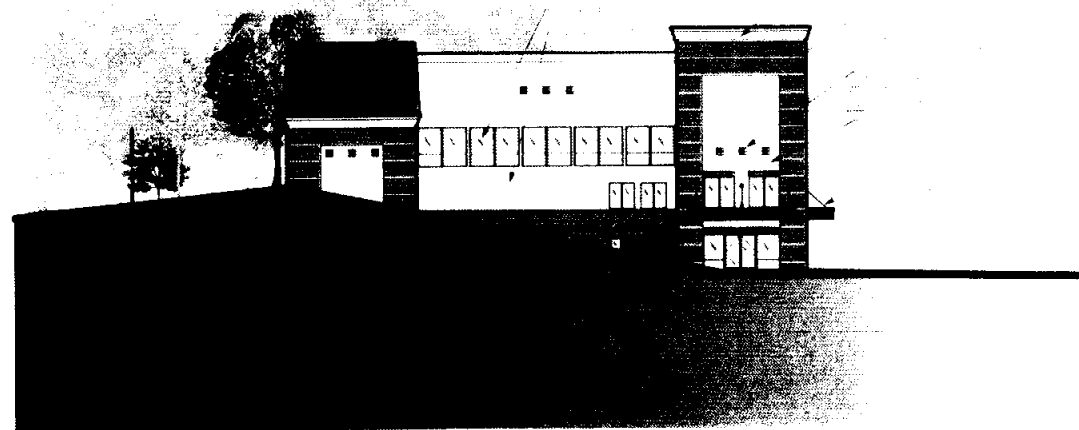
Please contact the Applicant or myself with any questions which you have about the information and proposals set forth in this memorandum.



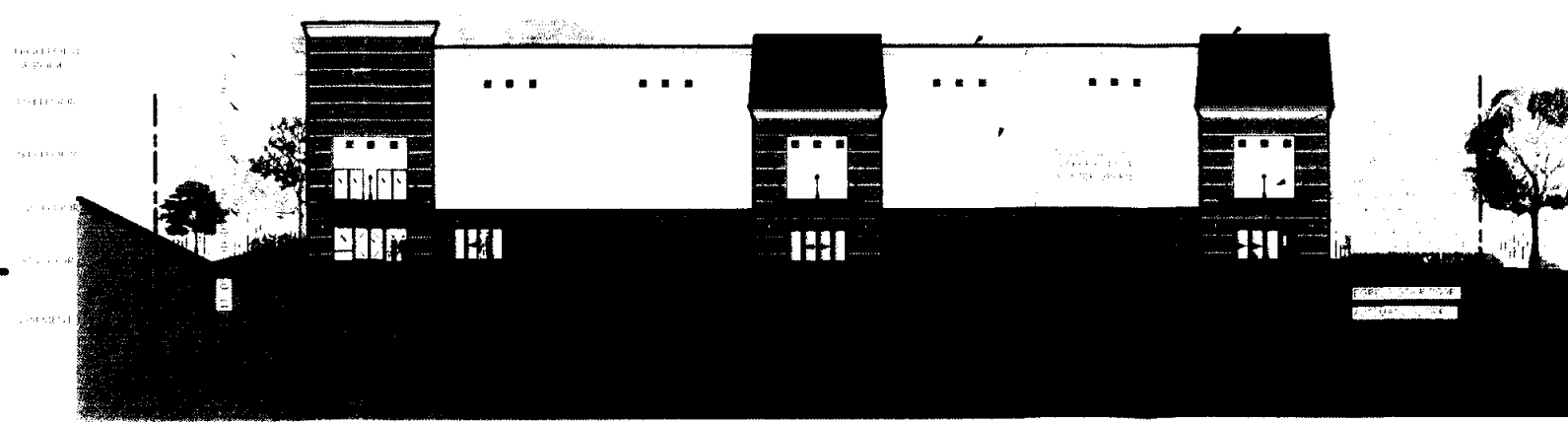
VICINITY PLAN



VIEW A



CONCEPT SOUTH ELEVATION



CONCEPT EAST ELEVATION

TRAVIS AVENUE SELF STORAGE ZONE

Travis Avenue Self Storage LLC
Street Address: 100 Travis Ave, Suite 100
Montgomery County, MD 20854

**BUTZ
WILBERN**

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6710 Whittier Ave. # 120
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OPTION 4

P-2

25109



CONCEPT NORTH ELEVATION



VICINITY PLAN



CONCEPT WEST ELEVATION

TRAVIS AVE

TRAVIS AVENUE SELF STORAGE ZONE

Travis Avenue Self Storage LLC
 Street Address: 25109 Travis Ave
 Map: District 1, County: State

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 6718 Whittier Ave. • 2120
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OPTION 4

P-3

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